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12 Attorneys for Creditor  
13 REORGANIZED DEBTORS

14 **UNITED STATES BANKRUPTCY COURT**

15 **DISTRICT OF NEVADA**

16 \* \* \*

17 IN RE:  
18 THE RHODES COMPANIES, LLC,  
19 Debtor.

20 Case No. BK-S-09-14814-LBR

21 Chapter 11

22 **Date of Hearing:** 12/5/2011  
**Time of Hearing:** 9:30 a.m.

23  Affects All Debtors  
24  Affects the following Debtors:

25 **NOTICE OF ENTRY OF ORDER APPROVING STIPULATION TO VACATE THE**  
26 **BRIEFING SCHEDULE AND EVIDENTIARY HEARING REGARDING THE**  
27 **GREENWAY PARTNERS CLAIM AND THE SCHEDULED CLAIMS**

28 NOTICE IS HEREBY GIVEN that the ORDER APPROVING STIPULATION TO  
29 VACATE THE BRIEFING SCHEDULE AND EVIDENTIARY HEARING REGARDING  
30 THE GREENWAY PARTNERS CLAIM AND THE SCHEDULED CLAIMS, was entered  
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1 herein on this Court's docket on November 22, 2011, as Document No. 1607. A copy of said  
2 Order is attached hereto.

3 DATED this 22<sup>nd</sup> day of November, 2011.

4 **KOLESAR & LEATHAM.**

5 By: /s/ Shlomo S. Sherman

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REORGANIZED DEBTORS

13 **CERTIFICATE OF SERVICE**

14 1. On November 22, 2011, I served the following document(s) (*specify*):

15 **Notice of Entry of Order Approving Stipulation to Vacate the Briefing Schedule and**  
**Evidentiary Hearing Regarding the Greenway Partners Claim and the Scheduled**  
**Claims**

16 2. I served the above-named document(s) by the following means to the persons as listed  
17 below:

18 (Check all that apply)

19  a. **ECF System (You must attach the "Notice of Electronic Filing," or list all  
20 persons and addresses and attach additional paper if necessary)**

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22 GREGORY F WILSON on behalf of Witness SANTORO, DRIGGS,  
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24 MICHAEL B WIXOM on behalf of Interested Party MUTUAL OF  
25 OMAHA BANK  
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- b. **United States mail, postage fully prepaid**  
*(List persons and addresses. Attach additional paper if necessary)*

c. **Personal Service** (*List persons and addresses. Attach additional paper if necessary*)

I personally delivered the document(s) to the persons at these addresses:

For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

d. **By direct email (as opposed to through the ECF System)**  
*(List persons and email addresses. Attach additional paper if necessary)*

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

e. **By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

f. **By messenger** (*List persons and addresses. Attach additional paper if necessary*)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (**A declaration by the messenger must be attached to this Certificate of Service**).

**I declare under penalty of perjury that the foregoing is true and correct.**

/s/ Cindy Kishi  
*Declarant*



Entered on Docket  
November 22, 2011

Hon. Linda B. Riegle  
United States Bankruptcy Judge

8      **FABIAN & CLENDENIN, P.C.**  
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31     *Local Counsel for the Reorganized Debtors*

## UNITED STATES BANKRUPTCY COURT

### DISTRICT OF NEVADA

32     In re

33     Chapter 11

34     THE RHODES COMPANIES, LLC, aka  
35     "Rhodes Homes," et al.,

36     Case No. BK-S-09-14814-LBR  
37     (Jointly Administered)

38     Reorganized Debtors.

### ORDER APPROVING STIPULATION TO VACATE THE BRIEFING SCHEDULE AND EVIDENTIARY HEARING REGARDING THE GREENWAY PARTNERS CLAIM AND THE SCHEDULED CLAIMS

39     The Court, having considered the Stipulation to Vacate the Briefing Schedule and Evidentiary  
40     Hearing Regarding the Greenway Partners Claim and the Scheduled Claims (the "Stipulation") entered  
41     into by and between James M. Rhodes ("Rhodes"), by and through his undersigned counsel, Fabian &  
42     Clendenin, P.C., and the above-captioned reorganized debtors (the "Reorganized Debtors"), by and

- 43      Affects all Debtors  
44      Affects the following Debtors

1 through their undersigned counsel, Kolesar & Leatham and Akin Gump Strauss Hauer & Feld LLP,  
2 (collectively referred to hereinafter as the “Parties”); and for good cause appearing therefor:

3 IT IS HEREBY ORDERED AS FOLLOWS:

- 4 1. The Stipulation is hereby approved;
- 5 2. The current briefing schedule relating to the Greenway Partners Claims and the Scheduled  
6 Claims, as described in the Stipulation, is hereby vacated;
- 7 3. The Evidentiary Hearing currently scheduled for December 5, 2011 at 9:30 a.m. (PST) is  
8 hereby vacated; and
- 9 4. The Parties and/or the Reorganized Debtors shall file a 9019 motion with respect to the  
10 Settlement Agreement with this Court no later than December 1, 2011.

11

12 **SUBMITTED BY:**

13 **KOLESAR & LEATHAM**

14 By:



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19 and

20 AKIN GUMP STRAUSS HAUER & FELD LLP  
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*Counsel for the Reorganized Debtors*

**APPROVED BY:**

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By: /s/ David R. Hague

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